

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

School Education Department – Supplied furniture to the Schools under OBB Warangal District – EPSR 5221/07 Filed by M/s Ajantha Industries, Warangal for payment of interest on delayed payment – An amount of Rs.5,00,288/- for payment of interest – Agreed - Orders Issued.

EDUCATION (SE-Trg.A3) DEPARTMENT

G.O.Rt.No. 129

Dated:24-02-2009.

Read the following:

(1) From the Director of School Education, Hyderabad
Lr.No.629/B3-4/2006, dt.25.4.2008.

(2) From the Director of School Education, Hyderabad
Lr.No.629/B3-4/2006, dt.29.1.2009 .

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ORDER:

In the reference 1st read above, the Director of School Education, A.P Hyderabad has submitted that orders for supply of furniture to schools in Warangal District were issued to M/s Ajantha Industries, Warangal during 1999 by the Purchase Committee and accordingly they have supplied the material and payment of Rs.18,06,418/- has been made to them as per the supplies. Later the firm M/s Ajantha Industries, Warangal have filed a plea in case No.29/3/2/136 in the Andhra Pradesh Industry Facilitation Council (APIFC) Hyderabad, claiming the interest amount for delayed payment. He said, the Chairman, APIFC Hyderabad has directed the respondent i.e. District Educational Officer, Warangal to pay a sum of Rs.2,15,460/- towards interest for the delay as on the date of filing the petition and payment should be completed as per the provision of section 3,4,5 of the Arbitration Act and the entire amount should be paid on or before 15.4.2005.

2. The Director of School Education, A.P Hyderabad stated that the petitioner has approached the Hon'ble High Court of AP Hyderabad by filing WP No.9308/2006 seeking to direct the respondent i.e. the Director of School Education, A.P Hyderabad and the District Educational Officer, Warangal to allot the budget for payments to the petitioner as directed by the APIFC Hyderabad in case No.29/3/2/136, dated 19.2.2005. He has informed that the writ was admitted in the Hon'ble High Court. He has stated that the counter has been filed in the W.P. by the Department. He has stated as per the opinion of the Government Pleader, School Education of the Hon'ble High Court, AP Hyderabad an appeal has been filed before the City Civil Court, Hyderabad by the Department against the award passed by the APIFC Hyderabad in OPSR No.18575.2006. He has submitted that the City Civil Court of AP Hyderabad has passed the orders on 14.11.2006, rejecting the appeal as it is filed after the period of limitation.

3. The Director of School Education, A.P Hyderabad submitted that the petitioner has requested the Hon'ble High Court, Hyderabad to permit to withdraw the writ petition which was filed by him. Based on the plea of the petitioner, the Hon'ble High Court Hyderabad has passed orders in WP No.9308/2006 on 9.2.2007 that "Learned Counsel for the petitioner seeks permission to withdraw the writ petition". The petitioner has again filed before the District & Session Warangal, case No.EP No.12/2008 for "execution of the decree passed by the Chairman, APIFC & Commissioner of the Industries, AP Hyderabad to pay sum of Rs.5,16,693/- towards interest for the delayed, and failed to discharge the amount as per the J.D. i.e. Joint Debtors on or before 15.4.2005 and the Decree holders executing the decree for the realization of the amount against the JD U/s 36 of Arbitration Act R/w Orders 21 R.43 R/w 64 & 66 for the moveable attachment and sale of the EP mentioned property and realize the same through sale auction and order to pay the amount to decree holder for the realization of the decretal amount vide EP No.12/2008.

4. In the reference 2nd read above, the Director of School Education, A.P Hyderabad has requested the Government to sanction and release an amount of Rs.5,00,288/- (Rupees Five lakhs two hundred eighty eight only) towards interest on delayed payments immediately as there is attachment of movable property orders against the O/o the District Educational Officer, Warangal, passed by District Court, Warangal to be implemented on or before 04.02.2009.

5. The Government after careful examination, hereby agrees to sanction an amount of Rs.5,00,288/- (Rupees Five lakhs two hundred eighty eight only) as an advance from contingency fund towards interest on delayed payments as there is attachment of movable property.

6. The Director of School Education, A.P. Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
K.R. KISHORE
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Director of School Education, A.P Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The Director of Treasuries and Accounts, A.P. Hyderabad.

The Accountant General, A.P.Hyderabad.

Copy to the Finance (ESE) Department.

Copy to the M/s Ajantha Industries, Warangal and

District Educational Officer, Warangal through D.S.E. AP Hyd)

SC/SF.

// FORWARDED BY ORDER //

SECTION OFFICER